

NEWSPAPER **Military Press**

October 15, 2010

Volume 34 Issue 20

Many vets to be helped by 2010 veterans' benefit act

-By Tom Philpott

It's unusual for Congress to pass a comprehensive bill to help thousands of veterans with a final legislative sprint that leaves veterans' service organizations wondering what just happened.

But that's what the Senate and House did last week. After a burst of closed-door compromises, they agreed to and separately passed the Veterans' Benefits Act of 2010 (HR 3219), sent it on to the president.

The package has no clear blockbuster initiative. But it improves many veterans' benefits including some allowances for disabled veterans and various veterans' insurance options. Employment protections are toughened for those returning to civilian jobs.

Service members moving out of phone service areas will be able to sever cell phone contracts without penalty. And new federal grants will be authorized for job training and counseling, childcare services to homeless women veterans and homeless veterans with children.

"I think it's fantastic and I'm truly incredulous that it went through as fast as it did," said Tim Tetz, the American Legion's legislative director.

A week before passage Tetz said he and the Legion's national commander had visited with Sen. Daniel Akaka (D-Hawaii), chairman of the veterans' affairs committee. Knowing Congress would adjourn soon and not return until

after the November election, the Legion had urged Akaka to clear an omnibus benefits bill at least during the post-election lame duck session.

Akaka said a bill was being worked. A week later, to Tetz's surprise, a bill chock full of initiatives had passed both the House and Senate.

"It's quite expansive," said Tetz. "It will be hard to find a veteran that in some way won't be touched by it."

"The package is excellent," said Joe Violante, legislative director for Disabled American Veterans. "There are new and expanded provisions for disabled veterans that should help them in a lot of different areas."

"We have about 20 to 25 separate bills in there," said Rep. Bob Filner (D-Calif.), chairman of the House Veterans Affairs Committee, in a phone interview. "It's an incredible move forward for all our veterans, whether talking about those on the street or those suffering from mental illness or women veterans facing sexual trauma. I mean it touches virtually every issue that we've been working on for several years."

The House passed an original HR 3219 in July last year with a contentious provision to establish a \$1000 a month-payment to former World War II merchant marines regardless of need or disability. Senators and even many vet groups refused to support it, arguing it

-OVER-

created a benefit not available to other vets. WWII-era merchant marines, they argued, already have full veteran status and can apply for VA benefits including a needs-based pension for the elderly.

When House negotiators agreed to remove the merchant marine language, the benefit package came together, expanded by a final packet of Senate amendments, many of them bills already passed by the House.

Here are highlights to take effect when the bill is signed:

- An automobile assistance allowance for veterans who have lost limbs or have other qualifying disabilities will increase from \$11,000 to \$18,900. It also will be adjusted for inflation on Oct. 1 each year.

- The funeral or burial payment for veterans who die in a VA facility or who are eligible to be buried in a VA cemetery will increase from \$300 to \$700. This payment too will increase annually for inflation but after 2011.

- Supplemental insurance for totally disabled veterans will increase from \$20,000 up to \$30,000.

- Servicemembers' Group Life Insurance (SGLI) coverage for totally disabled veterans will be permanently extended to two years, from 18 months, after they leave service. This change will be applied retroactively to persons separated from service on or after June 15, 2005.

- The maximum loan guarantee amount under the Veterans' Mortgage Life Insurance program will increase from \$90,000 to \$150,000. It will increase again, to \$200,000, on Jan. 1, 2012.

- Individuals who qualify for retroactive traumatic injury protection

coverage under SGLI (called TSGLI) will be expanded to include veterans who incurred qualifying traumatic injuries on or after Oct. 7, 2001, but before December 1, 2005, regardless of where the injuries occurred.

- Veterans will be able to increase Veterans' Group Life Insurance (VGLI) coverage by \$25,000 every five years until reaching age 60.

- The Servicemembers' Civil Relief Act (SCRA) will be modified to allow service members to terminate cellular telephone contracts when ordered to relocate for a period of 90 days or more to an area not supported by the contract.

- The SCRA also will give service members a "private right of action" to file their own lawsuits against those who violate their legal rights. They no longer will have to wait for enforcement action by a federal agency.

The SCRA is strengthened in two other ways, said retired Navy Capt. Samuel F. Wright, a legal expert with the Reserve Officers Association. It now will allow for the Department of Justice to bring a civil action against SCRA violators and those found guilty will have to pay court costs and service members' attorney fees.

"That's very valuable," Wright explained, because SCRA claimants will find it so much easier to find a lawyer.

Architects of the bill found a way to pay for these improvements and many more by extending a reduction in VA pensions for veterans who have no spouse or children and who are covered by a Medicaid plan while residing in a nursing home. This allows the bill actually to save the VA \$394 million over five years and a total of \$8 million over the next decade.